

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 00-186
)	
WAYNE OTTEY)	

GOVERNMENT'S MOTION FOR AN EXTENSION OF TIME

AND NOW, comes the United States of America by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Gregory J. Nescott, Assistant United States Attorney, and respectfully submits the government's motion for an extension of time.

1. On February 9, 2007, the defendant was arraigned in the above-captioned case, a case in which he was indicted in 2000. The defendant has now been released on bond.

2. Defense counsel thereafter sought and received a series of three continuances - of 45, 30, and 30 days - for the purpose of filing pretrial motions. The government consented to each of these continuances.

3. On June 14, 2007, the defendant filed four pretrial motions.

4. On June 28, 2007, the government timely responded to the motions, in an omnibus response.

5. On July 6, 2007, the defendant filed a Motion to Dismiss Indictment, alleging speedy trial violations in the search for Wayne Ottey after his indictment in 2000.

6. On July 9, 2007, the Court ordered the government respond to the Motion to Dismiss by July 20, 2007.

7. Counsel for the government is attempting to locate all records back to 2000 regarding the government's fugitive search for Wayne Ottey, so as to be able to properly respond to this latest motion. To that end, counsel has spoken with and met several times with case agents from the FBI and IRS, and has been in contact with the U.S. Marshals.

8. The government requires additional time to file its response in this matter because the lead case agent initially responsible for the search for Wayne Ottey, S/A Robert Craig of the FBI, has retired, and efforts to contact him have not yet succeeded.

9. Because counsel for the government will be out of state for approximately 11 days in early August, the government requests an additional 30 days to respond to the defendant's Motion to Dismiss. The government has sought no previous continuances in this matter.

10. The government has attempted to contact defense counsel Alan Soven in Miami and Martin Dietz, local counsel in Pittsburgh, but has not yet been advised whether or not the defense opposes the government's request for a continuance. The government represents that it does not believe the defense will object, based on the cooperation between the parties to this point.

WHEREFORE, the government respectfully requests that it be granted 30 additional days, or until August 20, 2007, to file its response to the defendant's Motion to Dismiss.

Respectfully submitted

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